

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION

UNITED STATES OF AMERICA

V.

CRIMINAL NO. 2:05cr16KS-RHW

CHARLES C. WALKER

MOTION TO DISMISS PROPERTY FROM FORFEITURE

The United States of America, by and through the undersigned Assistant United States Attorney, respectfully moves this Court to dismiss from the Information filed on June 9, 2005 (Ct. R. Doc. #7) the real property sought to be forfeited and described below:

REAL PROPERTY

Parcel No. 8

Track #1: A part of the Southwest Quarter of the Southwest Quarter of Section 24, Township 5 North, Range 13 West, Forrest County, Mississippi described as beginning 698.3 feet South of the NW Corner of said Forty, and then run South for 301 feet to a point on the South line of the North 3/4 of said Forty, thence run East for 78 feet to the West margin line of the Lynn Ray Public Road, then run Northerly along the West margin line of said road for 332 feet to the intersection with the center line of a pipe line, thence run S 70 Degrees 45 feet W along the center line of said pipe line for 103 feet to the Point of Beginning; all of the above described property comprising 48.8 acres, more or less.

Tract #2: The E1/2 of the NE1/4 of the SE1/4; and the NE3/4 of the SE 1/4 of the SE 1/4; less and except beginning at the NE corner of the said SE 1/4 of SE 1/4 and thence run West for 124.7 feet, thence run South for 698.3 feet, thence run East for 124.7 feet, thence run North for 698.3 feet to the beginning; all being in Section 24, T-5-N, R-13-W, of Forrest County, Mississippi.

LESS AND EXCEPT: That part sold to Katherine Lois Williams White more particularly described as follows: A part of the SE 1/4 of the SE 1/4 of Section 24, Township 5 North, Range 13 West, Forrest County, Mississippi, and being more particularly described as beginning at the NW Corner of the said SE 1/4 of SE 1/4 and thence run East along the North line of said Forty for 22 feet to a fence corner, thence run Southeasterly along a fence for 999.3 feet, thence run West for 33 feet to a point on the West line of the aforesaid SE 1/4 of SE 1/4, thence run North along the West line of said Forty for 999.3 feet to the point of beginning, and comprising 0.63 acres, more or less.

Parcel No. 12

A part of the NE 1/4 of the NE 1/4, of Section 25, and a part of the SE-1/4 of the SE-1/4 of Section 24, all in T-5-N, R-13-W, Forrest County, Mississippi, and being more particularly described as commencing at the SE Corner-of the NE 1/4 of the NE 1/4, of said Section 25, and thence run N0 degrees 15'34"E along the East line of said Forty for 700 feet, thence run West 650.69 feet to a point on the Northerly margin line of the Lynn Ray Public Road, and to and for the Point of Beginning, thence run S67 degrees 17'W along the Northerly margin line of said Public Road for 134.55 feet, thence run S81 degrees 02'22"W along the Northerly margin line of the said Lynn Ray Public Road for 133.74 feet, thence run S85 degrees 47'31"W along the Northerly margin line of the said Lynn Ray Public Road for 113.51 feet, thence run N02 degrees 22'01"W for 358.89 feet, thence run N89 degrees 16'08"W for 302.35 feet, to the West line of the aforesaid NE-1/4 of NE-1/4 of said Section 25, thence run N0 degrees 15'18"W along the West line of the NE-1/4 of the NE-1/4 of Section 25 and along the West line of the SE-1/4 of the SE-1/4 of Section 24 for 661.45 feet, thence run N89 degrees 39'53"E for 587.11 feet, thence run S0 degrees 07'28"E (deed says South) for 443.45 feet (deed says 435 feet), thence run N89 degrees 55'05"E (deed says East) for 99.82 feet (deed says 100 feet), thence run S0 degrees 11'11"E (deed says South) for 502.91 feet, to the Point of Beginning, comprising 12.17 acres more or less.

Subject to any and all prior reservation and/or conveyances of the oil, gas and other minerals in, on and under the subject property.

LESS AND EXCEPT:

A part of the Northeast 1/4 of the Northeast 1/4 of Section 25, Township 5 North, Range 13 West, in the County of Forrest, State of Mississippi, and being more particularly described as Commencing at the Southeast Corner of said Northeast 1/4 of the Northeast 1/4, thence run N00 degrees 15'34"E and along the East Line of said Northeast 1/4 of the Northeast 1/4 for 700.00 feet, thence run West for 630.69 feet to the North margin line of Lynn Ray Road, thence run S67 degrees 17'00"W and along said North margin line for 134.55 feet, thence run S81 degrees 02'22"W and along said North margin line for 133.74 feet, thence run S85 degrees 47'31"W and along said North margin line for 83.49 feet to the Point of Beginning; thence continue S85 degrees 47'31"W and along said North margin line for 30.02 feet, thence run N02 degrees 22'01"W for 423.99 feet, thence run N89 degrees 16'08"W for 49.96 feet, thence run N00 degrees 43'52"E for 122.00 feet, thence run S89 degrees 16'08"E for 80.00 feet, thence run S00 degrees 43'52"W for 122.00 feet, thence run S89 degrees 16'08"E for 75.00 feet, thence run S02 degrees 22'01"E for 65.00 feet, thence run N89 degrees 16'08"W for 75.00 feet, thence run S02 degrees 22'01"E for 356.40 feet, to the Point of Beginning, comprising 0.73 Acres, more or less.

Accordingly, the United States respectfully moves that the Court dismiss Parcel Nos. 8 and 12 from the criminal forfeiture aspect of the case with prejudice because they have been foreclosed on by the lienholders.

Respectfully submitted,

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Dated: November 29, 2005

MS Bar No. 5731